

## Message Text

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43

ACTION IO-10

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00 DODE-00

DOT-00 EB-07 INR-07 NSAE-00 FAA-00 IOE-00 AF-06

ARA-10 EA-09 NEA-10 OIC-02 /079 W

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P 071650Z OCT 75

FM AMCONSUL MONTREAL

TO SECSTATE WASHDC PRIORITY 6791

UNCLAS MONTREAL 1621

E. O. 11652: N/A

TAGS: PORG, EAIR, ICAO

SUBJ: ICAO: ELECTION OF COUNCIL PRESIDENT

1. FOLLOWING IS TEXT OF LETTER TO PRESIDENT COUNCIL  
DWEMOH, DIRECTOR CIVIL AVIATION GHANA AND PRESIDENT AFCAC.  
IT CAME THROUGH REGULAR MAIL TO PRESIDENT AND ALL COUNCIL  
REPRESENTATIVES, RECEIVED OCTOBER 2 (DICTATED TO IO THAT DATE IN  
VIEW EXTREME PRESSURE ON MISSION STAFF.) IT SHOULD BE NOTED  
THAT ENVELOP POSTMARKED OTTAWA, SEPTEMBER 30 AT  
WHICH TIME COMMONWEALTH AIR TRANSPORT COMMITTEE WAS MEETING  
OTTAWA. DWEMOH NOT PRESENT HOWEVER.

2. ALSO TRANSMITTED HEREUNDER IS TEXT OF REPLY FROM PRESIDENT  
COUNCIL TO DWEMOH, COPIES RECEIVED BY COUNCIL REPRESENTATIVES  
THIS DATE.

3. FULL REPORT ON DEVELOPMENTS RE POSSIBLE US CANDIDATE SEPT-EL.

4. TEXT OF LETTER TO PRES/COUNCIL: QUOTE: RESTRICTED: 24TH  
SEPTEMBER, 1975. DEAR SIR, ELECTION OF PRESIDENT TO THE COUNCIL  
OF I.C.A.O.

"MEMBER STATES OF ICAO WERE INFORMED OF THE INTENTION OF MR. W.  
BINAGHI, PRESIDENT OF THE COUNCIL OF ICAO, TO LEAVE THE PRESIDENCY  
BY THE CIRCULATION OF A CONFIDENTIAL LETTER NO. WB 116 REF. S2/6  
OF 26 MAY 1975 FROM THE PRESIDENT TO REPRESENTATIVES OF THE COUNCIL.

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"THE GOVERNMENT OF GHANA IS NOT UNAWARE THAT IT IS THE PREROGATIVE

OF THE COUNCIL TO ELECT ITS PRESIDENT. THIS IS IN ACCORDANCE WITH ARTICLE 51 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION. THE SAME ARTICLE GOES ON TO SAY THAT THE PRESIDENT NEED NOT BE SELECTED FROM AMONG THE REPRESENTATIVES OF THE MEMBERS OF THE COUNCIL. "THE GOVERNMENT OF GHANA HAS UNOFFICIALLY BEEN MADE AWARE OF THE FACT THAT NONE OF THE COUNCIL MEMBERS IS INTERESTED IN SEEKING FOR ELECTION TO THE PRESIDENCY AND THAT A PARTICULAR CANDIDATE HAS THE SUPPORT OF A MAJORITY OF THE MEMBERS OF THE COUNCIL. WHO THAT CANDIDATE IS REMAINS A SECRET TO SOME CONTRACTING STATES SUCH AS GHANA. CONTRACTING STATES, IN THE SPIRIT OF ARTICLE 6 (III) OF THE RULES OF PROCEDURE FOR THE COUNCIL, SHOULD BE INFORMED THAT NONE OF THE COUNCIL MEMBERS IS INTERESTED IN THE PRESIDENCY SO THAT MEMBER STATES INTERESTED IN SEEKING FOR ELECTION CAN DO SO. IF OUR INTERPRETATION IS WRONG, THEN, THE COUNCIL SHOULD ADVISE US SO THAT CONSIDERATION IS GIVEN TO AMEND RULE 8 OF THE RULES OF PROCEDURE FOR THE COUNCIL SO THAT A WELL-DEFINED PROCEDURE TO ELECT THE PRESIDENT UNDER RULE 8 WOULD BE INCORPORATED IN RULE 8. SINCE CONTRACTING STATES HAVE NOT BEEN INFORMED OF INTERESTED CANDIDATES IN THE PRESIDENCY, WE ASSUME THAT THE ELECTION OF THE PRESIDENT UNDER RULE 8 IS DIFFERENT FROM ELECTION OF THE PRESIDENT UNDER RULE 6. WE WANT TO BE ADVISED AS TO WHAT THE CORRECT PROCEDURE IS. IF THE COUNCIL IS UNABLE TO CLARIFY THE ISSUE, THE MATTER WILL BE RAISED BY GHANA DURING THE 1977 ASSEMBLY.

"IN FAIRNESS TO ALL CONTRACTING STATES OF ICAO, AS THE ELECTION OF THE PRESIDENT COMES UNDER RULE 8 OF THE RULES OF PROCEDURE FOR THE COUNCIL (RESIGNATION OF THE PRESIDENT IN THIS CASE), THE COUNCIL IN OUR OPINION SHOULD CIRCULATE NOMINATIONS FOR THE PRESIDENCY TO ALL CONTRACTING STATES AS IN RULE 6 SPECIFICALLY IN THIS CASE WHEN THE COUNCIL IS NOT ELECTING ONE FROM AMONGST THEM. "THE GOVERNMENT OF GHANA INTENDS TO SUBMIT THE CANDIDATURE OF A GHANAIAAN TO SEEK FOR ELECTION TO THE PRESIDENCY. IF THIS IS NOT IN ORDER THE GOVERNMENT OF GHANA MAY BE SO INFORMED SO THAT DIPLOMATIC STEPS ARE NOT INITIATED TO GET SOME COUNCIL MEMBERS TO PROPOSE THE CANDIDATURE OF GHANA. YOURS SINCERELY, (E.R.K. DWEMOH) DIRECTOR OF CIVIL AVIATION. UNQUOTE.

5. TEXT OF LETTER TO MR. E. R. K. DWEMOH: QUOTE: CONFIDENTIAL:

6 OCTOBER 1975. DEAR SIR,

"I AM REPLYING TO YOUR LETTER OF 24 SEPTEMBER 1975, REFERENCE NO. UNCLASSIFIED

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DCA 410, WHICH REACHED MY OFFICE ONLY ON 2 OCTOBER. I HAVE NOTED THE VIEWS EXPRESSED IN THE THIRD AND FOURTH PARAGRAPHS OF YOUR LETTER, WHICH ARE ALSO KNOWN TO ALL REPRESENTATIVES ON THE COUNCIL, SINCE YOU SENT THEM COPIES OF YOUR LETTER.

"I WOULD LIKE TO INFORM YOU THAT THE QUESTION OF APPLICABILITY OF RULES 6 AND 8 OF THE RULES OF PROCEDURE OF THE COUNCIL WAS CONSIDERED BY THE COUNCIL AT ITS MEETING ON 18 JUNE 1975 (85-6 CLOSED). I ATTACH THE DRAFT MINUTES OF THAT MEETING, AS WELL AS

C-WP/6199 WHICH WAS THE BASIS FOR DISCUSSION. AS A RESULT OF THE DECISION TAKEN BY THE COUNCIL ON THAT DATE, STATE LETTER S 2/6-75/129 WAS DISPATCHED TO ALL CONTRACTING STATES (I.E. INCLUDING COUNCIL MEMBER STATES) ON 19 JUNE 1975.

"I DO NOT CONSIDER IT APPROPRIATE FOR ME TO COMMENT ON THE CONTENTS OF YOUR LETTER, BUT I WOULD LIKE TO REMARK THAT IT WOULD BE DIFFICULT TO INFORM STATES THAT NONE OF THE COUNCIL MEMBERS IS INTERESTED IN THE PRESIDENCY SINCE, PRESUMABLY, EACH COUNCIL MEMBER STATES WISHES TO RESERVE ITS RIGHT TO PROPOSE A CANDIDATE UNTIL THE VERY LAST MOMENT.

"REGARDING THE LAST PARAGRAPH OF YOUR LETTER, THE FACT THAT STATE LETTER S 2/6-75/129 DID NOT INVITE STATES TO SUBMIT NAMES OF CANDIDATES SHOULD NOT BE CONSTRUED AS MEANING THAT IT WOULD NOT BE IN ORDER FOR ANY STATE TO PRESENT CANDIDATURES. I CAN ASSURE YOU THAT THE COUNCIL WILL BE INFORMED, BEFORE IT PROCEEDS TO THE ELECTION OF THE PRESIDENT, OF ANY NAMES RECEIVED. OF COURSE, FOR THE COUNCIL TO VOTE ON ANY CANDIDATE, IT IS A CONDITION THAT THE CANDIDATURE BE FORMALLY PROPOSED BY A COUNCIL MEMBER, PURSUANT TO RULE 41 OF THE RULES OF PROCEDURE OF THE COUNCIL. YOURS SINCERELY, WALTER BINAGHI, PRESIDENT OF THE COUNCIL. UNQUOTE.  
HARPER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 07 OCT 1975  
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**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
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**Review Comment:** n/a  
**Review Content Flags:**  
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**TAGS:** PORG, EAIR, GH, ICAO, (DWEMOH, E R K)  
**To:** STATE  
**Type:** TE  
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